

REMARKS

Claims 1, 3-5, 7, 9, 10 and 12 are currently pending and have been examined on the merits. Claims 1 and 12 are amended hereinabove. Support for amended claim 1 can be found in the specification at page 7, line 19. No new matter has been added.

In the Office Action, the claims have been rejected as follows:

- a) Claims 1, 3, 7, 9 and 10 are rejected under 35 U.S.C. § 102(e), as being anticipated by Brooks et al. (U.S. 7,192,989, hereinafter “Brooks”); and
- b) Claims 12 is rejected under 35 U.S.C. § 112¶ 2, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants respectfully traverse these rejections.

Claim 1 is amended hereinabove to recite that Y is not OH. Therefore, the compound disclosed by Brooks is excluded from the meaning of claim 1. Accordingly, as claims 3-5, 7, 9, 10 depend from claim 1 which is not anticipated by Brooks, withdrawal of the rejections of claims 1, 3-5, 7, 9, 10 under 35 U.S.C. § 102(e) for allegedly being anticipated by Brooks is respectfully requested.

Further, claim 12 has been amended hereinabove to recite the appropriate limitations for R₁ and Y as recommended on page 4 of the Final Office Action. Accordingly, withdrawal of the rejection of claim 12 under 35 U.S.C. § 112¶ 2, is respectfully requested.

This response is being filed within the shortened statutory period for reply. Thus, no additional fees are believed to be due. If, on the other hand, it is determined that

further fees are necessary or any overpayment has been made, the Commissioner is hereby authorized to debit or credit such sum to Deposit Account No. 02-2275.

Pursuant to 37 C.F.R. § 1.136(a), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time of its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated herewith is to be charged to the above-mentioned deposit account.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted

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